

1 **McDONALD ADRAS, LLC.**  
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Attorney for Defendant

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5 **UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

6 UNITED STATES OF AMERICA, )  
Plaintiff, ) 2:10-CR-578-PMP-RJJ  
7 )  
v. ) **STIPULATION TO CONTINUE**  
8 ) **TRIAL DATE**  
LINDA LIVOLSI, ) **(Fifth Request)**  
9 )  
Defendant. )  
10 \_\_\_\_\_)

11 **IT IS HEREBY STIPULATED AND AGREED**, by and between PATRICK E.  
12 McDONALD, ESQ., counsel for defendant Linda Livolsi, and MICHAEL CHU, Assistant United  
13 States Attorney, counsel for the United States of America, that trial and calendar call be vacated and  
14 continued to a date and time convenient to this Court, but not sooner than 90 days: (1) the calendar  
15 call presently scheduled for February 22, 2012, at 9:00 a.m; and (2) the trial currently scheduled for  
16 February 28, 2012, at 9:00 am. This stipulation is entered into for the following reasons:

- 17 1. That Counsel for Defendant was just retained and is awaiting discovery from prior  
18 counsel. Once received counsel will need additional time to review it to conduct legal research.
- 19 2. The Parties need additional time to prepare for trial in the case including conducting  
20 legal research. The Parties also need additional time to continue exploring full resolution of the  
21 matter without going to trial.
- 22 3. The Defendant and the Government agree to the continuance.
- 23 4. This is the 5<sup>th</sup> request for a continuance of the trial date but the 1<sup>st</sup> for newly appointed  
24 counsel.



UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

UNITED STATES OF AMERICA, ) 2:10-CR-578-PMP-RJJ  
Plaintiff, )  
 )  
v. ) **ORDER TO CONTINUE and**  
 ) **FINDINGS OF FACT &**  
LINDA LIVOLSI, ) **CONCLUSIONS OF LAW**  
Defendant. )  
\_\_\_\_\_ )

**FINDINGS OF FACT**

Based on the pending stipulation of counsel, and good cause appearing therefore, the Court hereby finds that:

1. That Counsel for Defendant was just retained and is awaiting discovery from prior counsel. Once received counsel will need additional time to review it to conduct legal research.
2. The Parties need additional time to prepare for trial in the case including conducting legal research. The Parties also need additional time to continue exploring full resolution of the matter without going to trial.
3. The Defendant and the Government agree to the continuance.
4. This is the 5<sup>th</sup> request for a continuance of the trial date but the 1<sup>st</sup> for newly appointed counsel.
5. Defendant is not in custody but does not object to a continuance of the trial date.
6. Denial of this request for a continuance could result in a miscarriage of justice.
7. The additional time requested by this stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(A), when considering the factors under 18 U.S.C. §§ 3161(h)(7)(B)(i) and 3161(h)(7)(B)(iv).

**CONCLUSIONS OF LAW**

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2 1. For all of the above-stated reasons, the ends of justice would best be served by a  
3 continuance of the trial date.

4 2. The additional time requested by this stipulation is excludable in computing the time  
5 within which the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C.  
6 §§3161(h)(7)(A), when considering the factors under 18 U.S.C. §§3161(h)(7)(B)(i) and  
7 3161(h)(7)(B)(iv).

**ORDER**

8  
9 **IT IS THEREFORE ORDERED** that the calendar call presently scheduled for February  
10 22, 2012, at 9:00 a.m., setting be vacated, continued and reset for \_\_\_\_\_,  
11 2012, at the hour of \_\_\_\_\_ in Courtroom \_\_\_\_\_.

12 **IT IS FURTHER ORDERED** that the trial currently scheduled for February 28, 2012, at  
13 9:00 a.m. is vacated, and that Defendant and counsel are advised that they must be present at  
14 calendar call on \_\_\_\_\_, 2012, at the hour of \_\_\_\_\_ a.m., in Courtroom \_\_\_\_.

15 DATED this \_\_\_\_ day of \_\_\_\_\_, 2012.

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17 \_\_\_\_\_  
18 UNITED STATES DISTRICT JUDGE  
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